IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No. 178 of 2005
To
CIVIL REVISION APPLICATION No. 186 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE C.K.BUCH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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UNITED INDIA INSURANCE COMPANYLIMITED - Applicant(s)

Versus

VASAVA PARAGBHAI MOHANBHAI & 2 - Opponent(s)

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Appearance :
MR PV NANAVATI for Applicant(s) : 1,MR VIBHUTI NANAVATI for Applicant(s) : 1,
None for Opponent(s) : 1 - 3.
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CORAM : HONOURABLE MR.JUSTICE C.K.BUCH

Date : 05/09/2005

ORAL COMMON JUDGMENT

Heard ld. Counsel Mr. PV Nanavati for the petitioner Insurance Company. The petitioner Insurance Company has assailed the award passed by ld. MAC Tribunal mainly on

the ground that the ld. Tribunal has grossly erred in not exonerating the Insurance Company in light of the decision of the Apex Court as the claimants were the gratuitous passengers in a goods vehicle.

Having considered the amount of compensation awarded to the claimants and the fact that the claimants are tribals, the Court is not inclined to exercise revisional jurisdiction and disturb the decision awarding compensation to the claimants-injured persons. For the sake of arguments accepting the say of the Insurance Company the Court decides to scrutinise the impugned award, then the same can only be done in the presence of the other side and for which the Court shall have to issue notice to the other side. If poor tribals i.e. respondents claimants are served with the notice, then they may have to spend more amount by way of expenses for their appearance in the Court and as the amount of compensation when is found meager, the Court is not inclined to issue notice and disturb the award awarding compensation. So, without entering into the merits of the points raised by the Insurance Company and detailed discussion of the law that has been placed by the ld. Counsel appearing for the petitioner and the fact that the claimants are poor tribals and amount of compensation awarded is a meager amount, there is no merits in these

Civil Rev. Applications.

In view of above, there is no merits in these Civil Rev. Applications and the same are hereby dismissed. No costs. It is, however, clarified that findings recorded in the present proceedings shall not prejudice the contentions raised by the petitioner Insurance Company and the points raised by it in First Appeal Nos. 1065/2005 to 1070/2005.

Copy of this order may be placed in the proceedings of First Appeal No. 1065/2005 to 1070/2005.

(C.K. BUCH, J)

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